

SENATE JOINT RESOLUTION 235
By Kyle

A RESOLUTION to honor and commend the members of Uniform Probate Code study committee upon their meritorious public service.

WHEREAS, House Joint Resolution No. 223 of the 99th General Assembly created a special joint committee to study the Uniform Probate Code and to recommend any necessary legislative revisions to the existing probate laws in Tennessee; and

WHEREAS, the membership of the special joint committee included four legislators and eight interested citizens who regularly practice, teach or rule on probate law; and

WHEREAS, after its organizational meeting on November 30, 1995, the commission devoted six months to an extensive review of the pertinent provisions of the Uniform Probate Code, analyzing the current Tennessee probate laws, and soliciting and receiving the views of the public on which probate laws should be changed and which should not; and

WHEREAS, the committee's appointed task was more difficult because there had been no major revision of the probate laws in Tennessee since the nineteenth century, and thus much litigation had occurred, resulting in judicial interpretations of the law which lacked uniformity and remained unincorporated in the Tennessee Code Annotated; and

WHEREAS, after exhaustively studying Tennessee's probate laws, vigorously debating various philosophies and topics of discussion, and making certain preliminary decisions, the committee proceeded with careful consideration of some twenty pertinent topics it had

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assembled, giving foremost attention to any corresponding provisions of the Uniform Probate Code; and

WHEREAS, consistent with its primary purpose of simplifying, clarifying and otherwise improving the probate process in Tennessee, the committee proposed fifteen separate statutory revisions; and

WHEREAS, the committee then meticulously drafted comprehensive legislation to effect the simplification, clarification and improvement of Tennessee's probate laws and to expedite and make more economical the state's probate system; and

WHEREAS, each of the dedicated members contributed significantly to the excellent work product of the committee as a whole, these distinguished citizens being: Ralph Calhoun Brasier, who is an Associate Professor at the University of Memphis Law School where he teaches decedents' estates, property, elderlaw, land use and environmental law; the Honorable Cornelia "Connie" A. Clark, Circuit Judge for the 21st Judicial District serving Williamson, Hickman, Lewis and Perry counties, who also serves as Chair of the Judicial Evaluation Commission; Harlan Dodson, III, a partner in the law firm of Dodson, Parker, and Behm, who is a former instructor in Estate Planning and Administration at the Nashville School of Law and a former Adjunct Professor at the Vanderbilt University School of Law; Senator David Fowler, an attorney with the Chattanooga law firm of Spears, Moore, Rebman and Williams, who is a member of the Chattanooga Estate Planning Council; Representative Joe Fowlkes, an attorney and Vice-Chair of the committee, who adroitly serves House District 65; Amy Morris Hess, a Professor at the University of Tennessee College of Law where she teaches estates, trusts, property, income taxation, estate and gift taxation, estate planning and tax theory, who is also an associate editor of *Real Property, Probate and Trust Journal* published by the American Bar Association; Representative Doug Jackson, an attorney who serves with distinction as Vice-Chairman of the House Judiciary Committee; Senator James F. Kyle, an attorney and Chair of the committee, who has sponsored numerous important pieces

of legislation on behalf of the Tennessee Bar Association and who was the prime sponsor of legislation revising the law of guardianship and conservatorship; Jack W. Robinson, Sr., Recorder for the committee and a partner in Gullett, Sanford, Robinson and Martin, who is the co-author of the 4th and 5th editions of *Pritchard on Wills and Administration of Estates* and editor of the *Tennessee Will Manual*; Jeffrey A. Shoenblum, Professor of Law at Vanderbilt University, who is the revisor of the leading multi-volume national treatise on wills, *Page on Wills*; has authored a two-volume work entitled *Multistate and Multinational Estate Planning*; and has written a much-cited article on will contests in Davidson County, *Will Contests - An Empirical Study*; Kevin Sommers, an attorney who previously specialized in estate planning, but who now has his own general practice law firm in Kingston Springs; and the Honorable Dewey C. Whitenton, Chancellor for Part I of the Twenty-Fifth Judicial District composed of the counties of Fayette, Hardeman, Lauderdale, McNairy and Tipton; and

WHEREAS, these estimable professionals are each deserving of the special commendation of this legislative body for their meritorious public service in clarifying, simplifying and improving Tennessee's probate laws and probate system; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That we hereby honor and commend the members of the Uniform Probate Code Study committee for their meticulous attention to detail, while concentrating on the larger issues of Tennessee's probate law, and the overall excellent quality of the comprehensive legislation that they collectively recommended and drafted.

BE IT FURTHER RESOLVED, That appropriate copies of this resolution be prepared for presentation to each of the above-named persons, with this final clause omitted from such copies.